

Office of the Secretary of the Treasury

§ 2.22

The Department reserves the right to request prepayment after a mandatory declassification review request is processed and before documents are released. In the event the requester does not agree to pay the actual charges, he or she shall advise how to proceed with the mandatory declassification review request. Failure of a requester to pay charges after billing will result in future requests not being honored.

(C) In order for a requester's initial request to be processed it shall be accompanied by a statement that he or she is agreeable to paying fees for search and/or review and copying. In the event the initial request does not include this statement, processing of the request will be held in abeyance until such time as the required statement is received. Failure to provide a response within a reasonable amount of time will serve as the basis for administratively terminating the mandatory declassification review request.

(D) Payment of fees shall be made by check or money order payable to the Treasurer of the United States. Fees levied by the Department of the Treasury for mandatory declassification review requests are separate and distinct from any other fees which might be imposed by a Presidential Library, the National Archives and Records Administration or another agency or department.

§ 2.19 Assistance to the Department of State [3.3(b)].

The Secretary of the Treasury shall assist the Department of State in its preparation of the "Foreign Relations of the United States" series by facilitating access to appropriate classified material in Treasury custody and by expediting declassification review of documents proposed for inclusion in the series.

§ 2.20 Freedom of Information/Privacy Act requests [3.4].

The Department of the Treasury shall process requests for records containing classified national security information that are submitted under the provisions of the Freedom of Information Act, as amended, or the Privacy Act of 1974, as amended, in ac-

cordance with the provisions of those Acts.

Subpart D—Safeguarding

§ 2.21 General [4.1].

Information classified pursuant to this Order or predecessor Orders shall be afforded a level of protection against unauthorized disclosure commensurate with its level of classification.

§ 2.22 General restrictions on access [4.1].

(a) *Determination of Need-To-Know.* Classified information shall be made available to a person only when the possessor of the classified information establishes in each instance, except as provided in section 4.3 of the Order, that access is essential to the accomplishment of official United States Government duties or contractual obligations.

(b) *Determination of Trustworthiness.* A person is eligible for access to classified information only after a showing of trustworthiness as determined by the Secretary of the Treasury based upon appropriate investigations in accordance with applicable standards and criteria.

(c) *Classified Information Nondisclosure Agreement.* Standard Form 312 (Classified Information Nondisclosure Agreement) or the prior SF 189, bearing the same title, are nondisclosure agreements between the United States and an individual. The execution of either the SF 312 or SF 189 agreement by an individual is necessary before the United States Government may grant the individual access to classified information. Bureaus and the Departmental Offices must retain executed copies of the SF 312 or prior SF 189 in file systems from which the agreements can be expeditiously retrieved in the event the United States must seek their enforcement. Copies or legally enforceable facsimiles of the SF 312 or SF 189 must be retained for 50 years following their date of execution. The national stock number for the SF 312 is 7540-01-280-5499.